

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARLOS DIAZ, *in his personal capacity and for
the Estate of Edmundo Diaz*,
Plaintiff,

v.

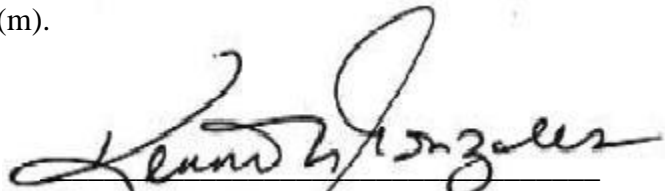
Civ. 14-1086 KG/SCY

ERIC H. HOLDER, JR., *et al.*,
Defendants.

**ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST
DEFENDANT HOLDER**

THIS MATTER is before the Court on Judge Yarbrough's July 24, 2015 Order Setting Service Deadline. *Doc. 55*. In this order, Judge Yarbrough noted that Plaintiff filed this case in federal court on December 1, 2014, but Plaintiff had yet to serve Defendant Eric Holder. *Id.* Judge Yarbrough explained that because service on Defendant Holder was untimely, Federal Rule of Civil Procedure 4(m) required the Court to order that service be made within a specified time or, after notice to Plaintiff, dismiss the action without prejudice. Judge Yarbrough chose to order that service be made within a specified time – by August 14, 2015. The Court warned Plaintiff that absent a showing of good cause for a further extension, failure to serve Defendant Holder by this date would result in the dismissal of the claims against Defendant Holder without prejudice. August 14, 2015 has passed and Plaintiff has not served Defendant Holder or filed a request for an extension of time.

IT IS THEREFORE ORDERED THAT Plaintiff's claims against Defendants Holder are dismissed without prejudice under Rule 4(m).


UNITED STATES DISTRICT JUDGE